

Questions and Answers

If there is no evidence of a conspiracy, why did the media log say ‘agreed to lie in unison’?

It was a sarcastic reaction to newspaper accusations, as is clear in the report. The media log is a highly unlikely vehicle for recording or communicating a ‘conspiracy’ as it is distributed by email to approximately 300 people.

Why wasn’t this investigation carried out by an independent auditor?

As a new Chief Executive with no prior involvement or pre-conceived ideas I brought a high level of integrity and impartiality to the review. The Department’s Internal Auditor, who reports directly to me, had full access to all staff and relevant documents. I started as Chief Executive on July 25th and on July 30th I initiated the investigation.

Isn’t this about the Immigration Service? Why is the Chief Executive dealing with the issue?

This is an issue for the Department of Labour and it is my responsibility as Chief Executive. I’m responsible for the Department’s integrity, and for standards and behaviour across the Department. If the reported allegations were not investigated fully they could have undermined public confidence in the Department, and wider public service.

Are there widespread management deficiencies in the Department?

No. I have confidence in management, including in the Immigration Service. However my investigation has highlighted some problems which will be addressed. These are around the handling of official information, Code of Conduct behaviours and standards, and records management. I am confident that these will be speedily rectified.

What are you doing about the handling of OIA requests in the Department?

I have made it very clear to managers and staff that the Department must meet all its obligations under the Official Information Act 1982. The starting premise is that information should be made available unless there is a good reason to the contrary. I have asked management to ensure that all staff reporting to them fully understand their personal responsibilities in relation to the Official Information Act, and that staff responding to official information requests follow our guidelines at all times. I am also having those guidelines reviewed to ensure they clearly state expectations and responsibilities. I will expect staff to gather all information and obtain appropriate legal advice before any decisions to withhold official information are made.

How are you holding management accountable?

I have spoken directly to members of my management team, and confirmed my expectations in writing, highlighting their responsibility for the actions of staff. I hold managers accountable for upholding appropriate standards and behaviours, and the proper application of formal policies and procedures. This will be reinforced through

performance management. The Department must deserve and hold the respect of citizens, to enable us to carry out our work and deliver services effectively. I will not tolerate unprofessional behaviour that risks our reputation and undermines public respect. *(copy of letter included)*

Who is on the Management Board?

The Chief Executive, General Managers of the five Services, Chief Legal Adviser, Chief Adviser Strategy & Policy in my office, Chief Financial Officer and Director of the Maori Perspective Unit.

Are any disciplinary proceedings taking place?

Yes. I have initiated disciplinary proceedings to consider possible breaches of our Code of Conduct. To maintain fair process and natural justice I will not comment further.

When will the action be concluded?

I cannot yet say. We need to ensure there is a fair process.

What normally happens when someone claims refugee status?

Generally we cannot comment at all. If a person claims asylum or refugee status, all particulars of the claim, including the person's identity, and even the fact that there is a claim, are confidential. This is under both New Zealand Law and the United Nations Convention on Refugees. This is to protect the person and their family, whether or not refugee status is granted.

What are your next steps to remedy the issues identified in this report?

- I am reinforcing the need to maintain high standards of conduct and integrity across the Department
- the DoL guidelines relating to handling OIA requests will be reviewed to ensure they clearly state expectations and responsibilities
- Management Board members have been made clearly accountable for standards, behaviour and consistent application of policies, procedures and guidelines
- managers are being made clearly accountable for giving staff clear direction and expectations about compliance with policies, guidelines & procedures
- all staff have been clearly reminded of personal responsibilities under codes of conduct, to ensure legal requirements are met and appropriate behaviour and standards upheld
- I have a programme of visits to DoL offices around the country to engage with local staff and managers, and I will be emphasising their accountability and responsibilities
- processes and procedures for records and knowledge management will be improved and effectively applied
- training and development for staff and managers as required on codes, policies, procedures and guidelines
- there are disciplinary proceedings underway in relation to issues in the report

- General Managers are to maintain effective processes for engaging with the media, while maintaining the balance between public interest and necessary confidentiality.

What does the Department of Labour do?

We deliver customer service, policy advice and research in the areas of employment relations, safety and health at work, immigration, community employment, skills and work.

We are made up of five Services: Employment Relations Service, New Zealand Immigration Service, Occupational Safety and Health, the Community Employment Group and the Labour Market Policy Group. Each Service is headed by a general manager and has its own management structure.

How many people does the Department of Labour employ?

Approximately 1,470 staff. We have 60 offices in 20 locations in New Zealand and 16 offices overseas.

What is the management philosophy of the Department of Labour?

The Department of Labour's management philosophy guides our decision-making and operations. This philosophy holds that:

- decision-making takes place at the point closest to the customer, by the people who have the greatest understanding of the customers' needs, with lead times minimised and customised decision-making maximised.

To achieve this we need:

- staff who have all the skills, information and authority to do their job and are held accountable for their actions
- outcome-focused managers working within a framework of principles and policies to achieve agreed goals.